



**CITY DEVELOPMENT DEPARTMENT  
ZONING BOARD OF ADJUSTMENT MEETING MINUTES  
MAUD SULLIVAN GALLERY, EL PASO MAIN LIBRARY  
MARCH 25, 2013  
1:30 P.M.**

Meeting called to order at 1:30 p.m.

The following Board Members answered roll call:

Mr. Ken Gezelius  
Mr. Robert Garland, Vice Chairman  
Mr. Robert Concha, Jr., Chairman  
Mr. Scott Walker  
Mr. Rick Cordova  
Mr. Lamar Skarda  
Mr. Samuel Barela  
Mr. Michael Bray

The following City Staff were present:

Ms. Linda Castle, City Development Department, Planning  
Mr. Alex Hoffman, City Development Department, Planning  
Mr. Michael McElroy, City Development Department, Planning  
Mr. Daniel Chavira, City Development Department, Building Permits & Inspections, Building Plans Examiner  
Ms. Kristen Hamilton, City Attorney's Office, Assistant City Attorney

**CHANGES TO THE AGENDA**

Ms. Linda Castle requested to move Item #1 at the end of the agenda to allow the applicant's representative time to arrive.

Ms. Linda Castle also requested to withdraw Item #2 from the agenda.

**MOTION:**

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**Mayor**

John F. Cook

**City Council**

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Item 1 moved to the end of the agenda

PZBA13-00006      5533 Woodfield Drive      Gregory and Jill Bowling

Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-1 (Residential) zone. This would allow the construction of a 14'6" by 12' addition to the existing patio and a 14'10" by 9' enclosed addition for a new bathroom and a new master bedroom closet, of which an approximate total width of 29.33' by 11' portion is proposed to encroach into the required rear yard setback and to be located to within 38 feet of the rear property line. The required front and rear yard cumulative setback total is 100 feet in the R-1 zone district.

On June 12, 2006, the ZBA granted Special Exceptions to the subject property for an encroachment into the required rear yard setback and for a carport encroaching into the required front yard setback. **STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C.**

Ms. Castle gave a PowerPoint presentation and noted Staff did not receive phone calls, any letters or emails in favor of or in opposition to the request.

Ms. Rocio Meshirer, representative, was present and responded to questions and comments from board members and staff.

*Motion made by Mr. Skarda, seconded by Mr. Gezelius AND UNANIMOUSLY CARRIED TO APPROVE.*

PZBA13-00007   5861 Clydesdale Drive   Eli Davis, Jr.  
Applicant requests a Special Exception under Section 2.16.050 J (Driveway over a Carport) in an R-3/sc (Residential) zone. This would permit a 21.6' by 22.42' carport which is proposed to encroach into the front yard setback and to

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be located to within 3.5 feet of the front property line. The required front and rear yard cumulative setback total is 50 feet in the R-3 zone district.

*An email from the owner requesting withdrawal of his case, PZBA13-00007 was distributed to the Board.*

**ITEM 3:**

PZBA13-00008   11037 Tom Shaw Drive   Joe Mata and Cheryl Mata-Paz  
Applicants request a Special Exception under Section 2.16.050 J (Driveway over a Carport) in an R-3 (Residential) zone. This would permit a 22' by 21' carport which is proposed to encroach into the front yard setback and to be located to within 5 feet of the front property line. The required front and rear yard setback total is 50 feet in the R-3 zone district. The applicants are requesting a new 178.5 sq. ft. porch which encroaches 101.15 sq. ft. into the required 23.7' front setback. The carport will match the house in materials and design and the roof will rise no higher than the roof of the house. Building Permits and Inspection reviewed the structural drawings and notes that an engineered truss package is required at time of building permit. **STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION J FOR THE CARPORT, WITH THE CONDITION THAT THE ENGINEERED TRUSS DRAWINGS ARE SUBMITTED AT THE TIME OF BUILDING PERMIT.**

Ms. Castle gave a PowerPoint presentation and noted Staff did not receive any phone calls, and did not receive any letters or emails in favor of or in opposition to the request.

Mr. Santos Betancis, Jr., Representative, was present and responded to questions and comments from board members and staff.

**MOTION:**

*Motion made by Mr. Gezelius, seconded by Mr. Garland AND UNANIMOUSLY CARRIED TO APPROVE.*

**ITEM 4:**

PZBA13-00009   2120 Harwood Drive   Luis Barraza  
Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Residential) zone. This would allow the construction of an

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addition of which a 129 sq. ft. portion (approximately 17'6" by 8') is proposed to encroach into the required rear yard setback and to be located to within 14 feet of the rear property line. The required front and rear yard cumulative setback total is 50 feet in the R-3 zone district.

**STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C WITH THE CONDITION THAT A BUILDING PERMIT IS SUBMITTED FOR THE ACCESSORY STRUCTURES LOCATED IN THE REAR YARD.**

Ms. Castle gave a PowerPoint presentation and noted Staff did receive one phone call from a curious neighbor, and did not receive any letters or emails in favor of or in opposition to the request.

Mr. Jose Escobedo, representative, was present and responded to questions and comments from board members and staff.

**MOTION:**

*Motion made by Mr. Garland, seconded by Mr. Gezelius AND UNANIMOUSLY CARRIED TO APPROVE.*

Ms. Castle noted the next ZBA meeting will be held Monday, May 13, 2013.

**Other Business**

5. Approval of Minutes: February 11, 2013

Chairman Concha asked if Board Members had any additions/corrections/revisions to the minutes. There was no response.

**MOTION:**

*Motion made by Mr. Gezelius, seconded by Mr. Skarda AND UNANIMOUSLY CARRIED TO APPROVE THE FEBRUARY 11, 2013 MEETING MINUTES.*

6. Discussion and action on adding clarification of "first-floor area of dwelling" to Section 2.16.050 J (Carport over a Driveway), Requirement #4.

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The Board has expressed concern about how the square footage of the first-floor area under roof of the dwelling is calculated so that it is clear to staff and the public. Ms. Castle said Staff is recommending using the definition of floor area, residential, in the Zoning Code, Title 20, 20.02.380 2., and that the following underlined language be added to Requirement #4 of the Special Exception for Carports

**J. Carport over a driveway.** Permit the encroachment into the required front yard setback for a lot in a residential (R) district beyond other allowed modifications for a carport covering a driveway; provided, however, that:

4. The area of the carport shall not exceed one-fifth of the first-floor area under roof of the dwelling, with the first-floor area of the dwelling defined as the sum of the gross horizontal area, exclusive of garages, atriums, stairwells, and open porches, measured from the exterior faces of the exterior walls; and, shall be measured as the area covered by the carport roof, to include overhangs;

There was discussion about including the overhang of the house in the first-floor area. Ms. Castle noted that the proposed definition would not include the overhangs, that the measurement would only be to the exterior face of the exterior walls.

**MOTION:**

*Motion made by Mr. Garland to approve the amendment as proposed by staff, seconded by Mr. Gezelius AND UNANIMOUSLY CARRIED TO APPROVE.*

**MOTION:**

*Motion made by Mr. Gezelius, seconded by Mr. Walker AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 2:05 P.M.*

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Linda Castle, Senior Planner

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